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Customer Number

Patent
Case No.: 59109US004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: PEUKER, MARC

Application No.: 10/598613

Confirmation No.: 7832

Filed: March 10, 2005

Title: CAPSULE FOR STORAGE, MIXING AND DISPENSING MATERIALS

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR § 1.121)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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August 13, 2009

/Shelley M. Conoryea/

Date

Signed by: Shelley M. Conoryea

Dear Sir:

This is in response to the Notice of Non-Compliant Amendment (37 CFR § 1.121), dated June 25, 2009, in the above-identified application.

The Amendment filed on March 10, 2009, was said to be non-compliant, in that claims that were labeled "previously presented" had underlined text showing added text. In accordance with the instructions in the Notice, a new listing of claims is submitted. Please consider these claims in connection with the response previously submitted relative to the outstanding office action.

Fees

- ☐ Any required fee will be made at the time of submission via EFS-Web. In the event fees are not or cannot be paid at the time of EFS-Web submission, please charge any fees under 37 CFR § 1.17 which may be required to Deposit Account No. 13-3723.
- ☐ Please charge any fees under 37 CFR §§ 1.16 and 1.17 which may be required to Deposit Account No. 13-3723.
- ☒ Please charge any additional fees associated with the prosecution of this application to Deposit Account No. 13-3723. This authorization includes the fee for any necessary extension of time under 37 CFR § 1.136(a). To the extent any such extension should become necessary, it is hereby requested.
- ☒ Please credit any overpayment to the same deposit account.